

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Opsis, AB,)	
)	Opposition No. 123,127
Opposer,)	
)	Mark: OPSIS
v.)	
)	Serial No. 76/004,552
Allied Fiber Optic Products,)	
)	Published: April 17, 2001
Applicant.)	
)	

MOTION FOR ENTRY OF DEFAULT JUDGMENT
AND BRIEF IN SUPPORT OF MOTION

Pursuant to TBMP § 508, Opposer brings this motion for entry of a Default Judgment against registration of Application Serial No. 76/004,552. Opposer filed its Notice of Opposition on May 17, 2001. The Trademark Trial and Appeal Board ("The Board") served the Notice of Opposition on Applicant on June 8, 2001 starting this proceeding. A Show Cause Order was issued by the Board on October 9, 2001. To date, Opposer has not received Applicant's Answer to its Notice of Opposition. By telephone inquiry to the Board, Opposer verified that no Answer has been filed by Applicant. Applicant is now in default in this proceeding and Opposer requests that Board enter a Default Judgment in favor of Opposer.

ARGUMENT

Opposer is entitled to Default Judgment in this proceeding as no answer has been filed or entered by Applicant. Opposer filed its Notice of Opposition on May 17, 2001.

Applicant did not serve Opposer with an Answer to its Notice of Opposition. Applicant was issued a Show Cause Order on October 9, 2001 and failed to respond to this Order.

Accordingly, Opposer submits that Applicant's failure to serve an Answer in this opposition and proceeding and failure to respond to the Show Cause Order renders the application abandoned.

Default Judgment should be entered.

CONCLUSION

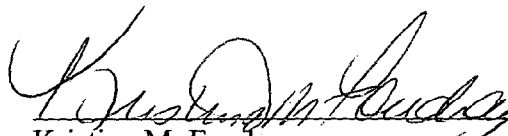
For good cause shown, Applicant requests that the Board enter a default judgment against Application Serial No. 76/004,552.

Respectfully submitted,

OP SIS, AB

By its Attorneys,

Date: February 22, 2002



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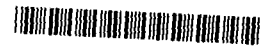
TTAB

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02-25-2002
U.S. Patent & TMO/TM Mail Rpt Dt. #26

Mark: OPSIS
Serial No.: 76/004,552
Docket Number: 5848.77USTC
Official Gazette: April 17, 2001

Due Date: February 22, 2002
Filing Date: March 20, 2000

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Trademarks, Box TTAB, 2900 Crystal Drive, Arlington, VA 22202-3513, on February 22, 2002.

By:
Name: Kristina M. Foudray

Commissioner for Trademarks
Box TTAB
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Commissioner:

We are transmitting herewith the attached:

- ☒ Return postcard.
- ☒ Transmittal Sheet in duplicate containing Certificate Under 37 C.F.R. 1.8
- ☒ Motion and Brief in Support Re: Default Judgment

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate copy of this sheet is enclosed.

By:
Name: Kristina M. Foudray
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(CONTESTED MATTER)

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A Professional Corporation

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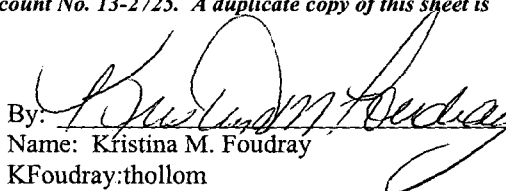
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